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Attorneys for Defendants
IMPAX LABORATORIES, INC., LARRY HSU and
ARTHUR A. KOCH

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

DENIS MULLIGAN, Individually and on
Behalf of All Others Similarly Situated,

Plaintiff,

vs.

IMPAX LABORATORIES, INC., LARRY
HSU and ARTHUR A. KOCH

Defendants.

Case No.: 13-cv-01037-EMC

**STIPULATED REQUEST AND
[PROPOSED] ORDER REGARDING DATE
OF MOTION HEARING FOR
DEFENDANTS' MOTION TO DISMISS
AND INITIAL CASE MANAGEMENT
CONFERENCE**

Judge: Honorable Edward Chen

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1 HAVERHILL RETIREMENT SYSTEM,
2 Individually and on Behalf of All Others
3 Similarly Situated,

4 Plaintiff,

5 vs.

6 IMPAX LABORATORIES, INC., LARRY
7 HSU, and ARTHUR A. KOCH

8 Defendants.
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Case No.: 13-cv-01566-EMC

STIPULATED REQUEST AND ~~[PROPOSED]~~ ORDER

Defendants Impax Laboratories, Inc., Larry Hsu, and Arthur A. Koch, by and through their respective counsel, (collectively, “Defendants”), and Lead Plaintiff Boilermaker Blacksmith National Pension Trust, by and through its respective counsel (“Lead Plaintiff”), hereby stipulate to the following:

WHEREAS, on March 7, 2013, Plaintiff Denis Mulligan, individually and on behalf of all others similarly situated, filed a complaint captioned *Denis Mulligan v. Impax Laboratories, Inc. et al.*, No. 13-cv-01037, a putative class action under the Private Securities Litigation Reform Act of 1995 (the “PSLRA”) alleging securities fraud (the “*Mulligan* matter”);

WHEREAS, pursuant to the March 7, 2013 Case Management Conference Order, the Initial Case Management Conference for the *Mulligan* matter was initially scheduled for June 6, 2013;

WHEREAS, on April 8, 2013, Plaintiff Haverhill Retirement Center, individually and on behalf of all others similarly situated, filed a complaint captioned *Haverhill Retirement System v. Impax Laboratories, Inc. et al.*, No. 13-cv-01566, also a putative class action under the PSLRA alleging securities fraud (the “*Haverhill* matter”).

WHEREAS, pursuant to the April 8, 2013 Case Management Conference Order, the Initial Case Management Conference for the *Haverhill* matter was initially scheduled for July 12, 2013;

WHEREAS, on April 19, 2013, and April 22, 2013, Plaintiffs Haverhill and Mulligan, respectively, stipulated with Defendants to continue the Initial Case Management Conferences in their respective matters until after the Defendants filed an answer, which would follow any ruling on Defendants’ motion to dismiss (the *Mulligan* matter, Dkt. #15 ¶ 9; the *Haverhill* matter, Dkt. #16 ¶ 9);

WHEREAS, pursuant to those stipulations, on April 25, 2013, the Court reset the respective Initial Case Management Conferences for November 7, 2013 (the *Mulligan* matter, Dkt. #15; the *Haverhill* matter, Dkt. #16);

WHEREAS, on July 2, 2013, the Court consolidated the *Mulligan* and *Haverhill* matters

1 and appointed Boilermaker Blacksmith National Pension Trust as Lead Plaintiff (Dkt. #53);

2 WHEREAS on August 28, 2013, the Court scheduled a Motion Hearing on Defendants'
3 Motion to Dismiss for February 20, 2014, at 1:30 p.m. (Dkt. #62);

4 WHEREAS, on September 18, 2013, Lead Plaintiff and Defendants stipulated to continue
5 the Initial Case Management Conferences until after Defendants' Motion to Dismiss has been
6 adjudicated (Dkt. #64);

7 WHEREAS, pursuant to the September 18, 2013 stipulation, on September 20, 2013, the
8 Court reset the Initial Case Management Conference for February 20, 2014 (Dkt. #65);

9 WHEREAS, on February 12, 2014, the Court reset the Motion to Dismiss Hearing and
10 Initial Case Management Conference for March 6, 2014 (Dkt. #76);

11 WHEREAS counsel for Defendants has a scheduling conflict on March 6, 2014;

12 WHEREAS the parties agreed that March 13, 2014, at 1:30 p.m. is a mutually convenient
13 date for the Motion Hearing;

14 WHEREAS, in order to avoid the unnecessary expenditure of the Court's and parties'
15 resources prior to the ruling on Defendants' Motion to Dismiss, the parties agree to continue the
16 Initial Case Management Conference until after Defendants' Motion to Dismiss has been
17 adjudicated; and

18 WHEREAS, this Stipulation and Order is without prejudice to, or waiver of, any rights,
19 arguments, or defenses otherwise available to the parties to this action.

20 NOW THEREFORE, the undersigned parties, by and through their counsel of record,
21 stipulate and agree, subject to the Court's approval, as follows:

22 1. The Motion Hearing set for March 6, 2014, at 1:30 p.m. shall be continued to
23 March 13, 2014, at 1:30 p.m.; and

24 2. The Initial Case Management Conference, currently scheduled for March 6, 2014,
25 is continued to a date and time to be determined after the Court rules on Defendants' motion to
26 dismiss.

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1 IT IS SO STIPULATED.

2 DATED: February 14, 2014.

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4 **GOLD BENNETT CERA & SIDENER LLP**

5
6 By: /s/ Solomon B. Cera
Solomon B. Cera

7 *Counsel for the Boilermaker Blacksmith National*
8 *Pension Trust and Liaison Counsel for the Class*

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18 *Counsel for the Boilermaker Blacksmith*
19 *National Pension Trust and Lead Counsel for the*
20 *Class*

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By: /s/ Peter A. Wald
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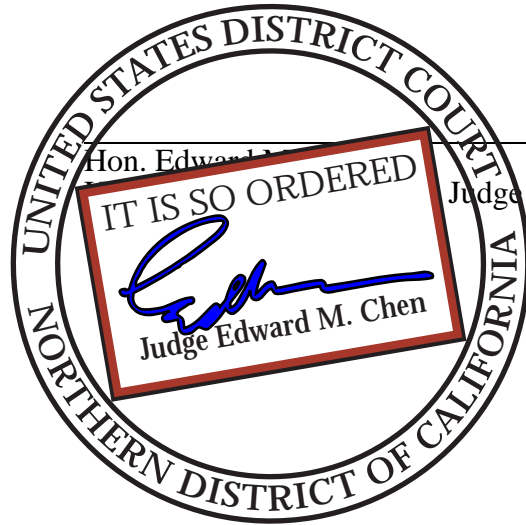
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Counsel for Defendants Impax Laboratories,
Inc., Larry Hsu, and Arthur A. Koch

1 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

2
3 2/20/14

4 DATED: _____



SIGNATURE ATTESTATION

I am the ECF User whose identification and password are being used to file the foregoing Stipulation and [Proposed] Order. Pursuant to General Order No. 45, Section X(B) regarding signatures, I, Peter A. Wald, attest that concurrence in the filing of this document has been obtained.

DATED: FEBRUARY 14, 2014

/s/ Peter A. Wald

Peter A. Wald (Bar No. 85705)